

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRUONG GIANG CORP.,

Plaintiff,

v.

TWINSTAR TEA CORP. and MING LEE
TRADING INC.,

Defendants.

No. C 06-03594 JSW

**ORDER ADOPTING REPORT
AND RECOMMENDATION RE
PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT**

The Court has reviewed Magistrate Judge Edward M. Chen's Report and Recommendation regarding Plaintiff Truong Giang Corporation's ("Plaintiff") motion for default judgment against Defendant Twinstar Tea Corporation ("Defendant"). The Court finds the Report correct, well-reasoned and thorough, and adopts it in every respect. Accordingly, the Court HEREBY ORDERS the following:

- (1) default judgment is GRANTED against Defendant;
- (2) Plaintiff's request for damages is DENIED WITHOUT PREJUDICE;
- (3) Defendant shall produce financial records indicating its profits from sales of its SLIM BALLERINA tea by no later than June 29, 2007;
- (4) Plaintiff may submit further evidence to prove its damages by no later than July 13, 2007;
- (5) Plaintiff is awarded \$1,861 in costs;
- (6) Plaintiff is not awarded any attorney's fees;

(7) Defendants shall destroy all nameplates, labels, advertisements for the SLIM BALLERINA tea or graphic representation of ballerinas used with the offering of the tea; and

(8) Defendant is permanently enjoined from the following:

(a) using the name SLIM BALLERINA and/or graphical representations of ballerinas, either separately or in conjunction with the offering of the tea; and

(b) any other infringement of U.S. Trademark Registration Nos. 2,570,889 and 2,561,662 (Plaintiff's BALLERINA word mark or ballerina design mark).

IT IS SO ORDERED.

Dated: May 29, 2007



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE